



THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

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**GOVERNOR**

DOUGLAS A. DUCEY

**COMMISSIONERS**

CHAIRMAN, JAMES R. AMMONS, YUMA

JAMES S. ZIELER, ST. JOHNS

ERIC S. SPARKS, TUCSON

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**DIRECTOR**

TY E. GRAY

**DEPUTY DIRECTOR**

TOM P. FINLEY



**PUBLIC MEETING NOTICE AND AGENDA**  
**REVISION #1**

**November 29, 2017**

A public meeting of the Arizona Game and Fish Commission will be held on **December 1-2, 2017** at the **Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix, Arizona 85086**, as authorized by A.R.S. § 17-201(D). Members of the public may attend the meeting in person or view the meeting at <http://livestream.com/azgameandfish>. Members of the public may also view the meeting from any Department Regional Office via video teleconference. Members of the public attending in person or viewing via video teleconference may submit Speaker Cards (Blue Cards) if they wish to speak to the Commission. The ability to speak to the Commission for those viewing the livestream is not available. Unless expressly provided otherwise with any item on the agenda, the Commission may discuss and vote to take action on the following matters:

**Friday, December 1, 2017 - Meeting begins at 8:00 A.M.**

**Pledge of Allegiance**

**Welcome/Introductions**

**Awards and Recognition**

- 1. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
- 2. Consent Agenda.** The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission will be asked to approve briefings and updates without further public input or discussion and to approve other matters as presented, subject to approval or recommendations of the Office of the Attorney General. Commission members may remove certain items if further public input or discussion is deemed necessary.
  - a. Approve Hunting and Fishing License Reciprocity Memorandum of Understanding with State of Nevada. Presenter: Chris Cantrell, Aquatic Wildlife Branch Chief.** The Commission may approve a License Reciprocity Memorandum of Understanding with State of Nevada and to authorize the Director, as Secretary to the Commission, to execute agreements with the State of Nevada consistent with Commission guidance on license reciprocity.

- TIME CERTAIN AT 10:00 AM**
- 9. Hearings on License Revocations for Violations of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below:

December 1-2, 2017 *Page 2 of 7* Commission Meeting Agenda

Kenneth L Westover	2017-0043	Count A:	Take 3X4 bull elk without a valid tag (Citation A027939)
		Count A:	Take spike elk without a valid tag (Citation A10569)
Anthony A. Covell	2017-0044	Count A:	Possess unlawfully taken Gila monster
Anthony A. Covell	2017-0045	Count A:	Possess unlawfully taken twin-spotted rattlesnake
Cody J. Santinbanez	2017-0046	Count A:	Possess/transport unlawfully taken 1X3 mule deer buck
Lori Ann Parker	2017-0047	Count A:	Possess/transport unlawfully taken 1X3 mule deer buck
		Count B:	Take 1X3 mule deer buck in excess of bag limit
Robert A. Jayme	2017-0051	Count A:	Take fish in closed area

- 10. Rehearing Request Regarding Previous License Revocation. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** Brandon M. Balascio has requested a rehearing regarding the revocation of his license privileges.

- 11. Approval of Law Enforcement Boating Safety Fund (LEBSF) Grant Allocation Formula for FY 2019. Presenter: Gene Elms, Law Enforcement Branch Chief.** The Department will provide the Commission with the proposed LEBSF Grant Allocation Formula per ARS §5-383.

**\*CLERICAL CORRECTION\***

- 12. Appeal of Department's Denial of Applications for Wildlife Holding Licenses. Presenter: Jay Cook, Mesa Regional Supervisor.** The Department will present the Commission with the report and recommendation issued by the Arizona Office of Administrative Hearings (OAH) Administrative Law Judge in the matter of Lynn Northern-Spanganberg's Wildlife Holding license applications for the purpose of Commercial Photography and for a Wildlife Holding License for the purpose of Education. The Commission may vote to accept, reject or modify the report and issue its decision.

- 13. Petition by Mr. Argyros for 2018 Elk Tag. Presenter: Rachel Gottlieb, Branch Chief, Customer Support and Sales Branch.** The Department will present the Commission with a petition by Mr. Argyros asking for a 2018 elk tag due to an accident on the first day of his 2017 hunt.

**Lunch Break (Begins at 12:00 p.m.)**

- 14. Federal Lands Planning Update. Presenter: Laura Canaca, Project Evaluation Program Supervisor.** The Commission will be updated on Department activities and involvement with resource management planning and other major actions on federal lands in Arizona.

- 15. Threatened and Endangered Wildlife Briefing. Presenter: Kenneth (Tuk) Jacobson, Raptor Management Coordinator.** The Commission will be provided a briefing on recent Bald Eagle Telemetry efforts to improve data gathering for management recommendations.

- 16. Approve Cooperative Agreement For Activities Associated with the Transition of Ownership on EC Bar Ranch. Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief.** The Commission will be asked to approve a cooperative agreement with Mr.

James Crosswhite for activities associated with the transition of ownership of the EC Bar Ranch in Nutrioso, Apache County, Arizona.

17. **Approve Commercial Public Records Request Policy. Presenter: Kent Komadina, Special Assistant to the Director.** The Commission may approve a new Department Commercial Public Records Request Policy concerning release of personal identifying information.

**Agenda Items #18 through #21 are first read items. The Commission may choose to take action on first read items as needed or may direct the Department to place first read items on the consent agenda for approval at the next Commission meeting.**

18. **Memorandum of Understanding (MOU) between Arizona Game and Fish Department and Forever Resorts. Presenter: Rachel Gottlieb, Branch Chief, Customer Support and Sales Branch.** The Department requests approval to enter an MOU with Forever Resorts to accept complimentary items of value for Department use as incentive awards to market the Departments' products and services.
19. **ET Ranch Perpetual Easement Dedication. Presenter: Al Eiden, Habitat Enhancement and Landowner Relations Program Manager.** The Commission may approve acceptance of a perpetual access easement dedicated by the South Eastern Arizona Sportsmen Club to the Department.
20. **License Agreement with Maricopa County for a Trail at Baseline and Meridian Wildlife Area. Presenter: Joyce Francis, Habitat Evaluation and Lands Branch Chief.** The Commission may approve a License Agreement with Maricopa County authorizing a county trail to cross Baseline and Meridian Wildlife Area.
21. **Substantive Policy Statement; SP.002 - Permits Issued Under A.R.S. § 17-238(B). Presenter: Jim Odenkirk, Assistant Attorney General.** The Commission will be presented with a final substantive policy statement; SP.002 - Permits Issued Under A.R.S. § 17-238(B).
22. **Executive Session (The Commission will not vote to take any action during Executive Session).**
  - a. **Litigation and Legal Advice.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning the *United States v. Freeport-McMoRan Corporation* (the Morenci Mine NRDA Settlement); Glen Canyon Dam Long-Term Experimental and Management Plan (LTEMP); *Holden and Gwynn v. Arizona Game and Fish Commission*, CV2014-013211; Land Management Plans for the Prescott and Apache-Sitgreaves National Forests; *In re General Stream Adjudication for the Little Colorado River and Gila River*; *Zuni water rights settlement agreement*; Proposed Rosemont Copper Mine Project; *Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *Center for Biological Diversity v. Jewell*, CV 15-00019 (AZ); *State of Arizona v. Jewell*, CV 15-00245 (AZ); *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Jewell*, 16-00094 (AZ); *WildEarth Guardians v. Heather Provencio*, CV 16-0810; *New Mexico Game and Fish Department v. USFWS*, 16-2189; *Dennis Scarla v. Arizona Game and Fish Commission*, LC2017-000019-001 DT; *Ralph Anderson v. Arizona Game and Fish Department*, 2 CA-CV 2010-0098.

- b. **Litigation and Legal Advice.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning the legal strategy recommendations from the Department's legal strategies team.
  - c. **Legal Advice.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice on Arizona's Public Records Law and disclosure of personal identifying information.
  - d. **Legal Advice.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice regarding limits on Department communications related to ballot measures.
  - e. **Purchase of Real Property and Legal Advice.** The Commission may vote to meet in Executive Session pursuant to A.R.S. § 38-431.03(A)(3) and (7) for the purpose of discussion or consultation with Department staff in order to consider its position and instruct its representative regarding the purchase of real property and for the purpose of discussing and consulting with legal counsel for legal advice.
  - f. **Personnel Matters.** The Commission may vote to go into Executive Session in accordance with A.R.S. § 38-431.03(A)(1) to discuss personnel matters associated with the Director's duties, responsibilities and performance. The Commission may take action in the public session or defer any action to a later date.
23. **Litigation Report.** The Department's legal counsel may report on the status of the litigation matters: *Holden and Gynn v. Arizona Game and Fish Commission*, CV2014-013211; *In re General Stream Adjudication for the Little Colorado River and Gila River*; *Center for Biological Diversity v. U.S. Forest Service*, CV 12-08176; *Center for Biological Diversity v. Jewell*, CV 15-00019-LAB; *State of Arizona v. Jewell*, 15-CV-00245-CKJ; *WildEarth Guardians v. Ashe*, 15-CV-00285; *Safari Club International v. Jewell*, CV 16-00094; *WildEarth Guardians v. Heather Provencio*, CV 16-0810; *New Mexico Game and Fish Department v. USFWS*, 16-2189; Land Management Plans for the Prescott and Apache-Sitgreaves National Forests; Glen Canyon Dam Long-Term Experimental and Management Plan (LTEMP); *Dennis Scarla v. Arizona Game and Fish Commission*, LC2017-000019-001 DT.
24. **Approval of Minutes.** The Commission may approve the Commission meeting minutes from September 8-9, 2017 and November 3-4, 2017.
25. **Commissioner Committee Reports.** Commissioners may provide an update on the subcommittees that they chair regarding current events and issues. This item is for information only. Items requiring discussion, deliberation or legal action must be placed on a future Commission meeting agenda.
26. **Director and Commissioner Comments.** The Director and the Commissioners may provide brief comment on current events and issues. This item is for information only. Items requiring discussion, deliberation or legal action must be placed on a future Commission meeting agenda.

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**Saturday, December 2, 2017 - Meeting begins at 8:00 A.M.**

**Pledge of Allegiance**

**Welcome/Introductions**

**Awards and Recognition**

1. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
2. **Approve Proposed Commission Orders 3, 4, and 26 for 2018 and 2019 Hunting Seasons. Presenter: Amber Munig, Big Game Program Supervisor.** The Commission will consider and may approve Commission Orders 3 (pronghorn), 4 (elk), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers or authorized limits, and open areas for the respective 2018 and 2019 fall hunting seasons.
3. **Hunt Permit-Tag Application Schedule for 2018 Antelope and Elk Hunts. Presenter: Rachel Gottlieb, Customer Service & Sales Branch Chief, SSD.** The Department will ask the Commission to approve the proposed hunt-permit tag application schedule for the Antelope and Elk 2018 hunts.
4. **Future Agenda Items and Action Items.**

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Ty E. Gray  
Director

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*The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order. Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 5000 W. Carefree Highway, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.*

*During the public meeting, the Commission may afford any person, their duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally. The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03*

*(A) (3) & (4). One or more members of the Commission may appear and participate in the meeting telephonically or by other electronic means.*

*Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 5000 W. Carefree Highway, Phoenix, Arizona 85086, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.*

*The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.*

### **“Managing Today for Wildlife Tomorrow”**